

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MACK ENERGY CORPORATION,

Plaintiff,

v.

Case No. 2:24-cv-00492-JHR-DLM

SUMMIT CASING SERVICES, LLC,

Defendant.

PLAINTIFF'S APPLICATION FOR ATTORNEYS' FEES

COMES NOW Plaintiff, Mack Energy Corporation ("MEC") and submits this Application for award of attorney fees pursuant to 28 U.S.C. §1447(C).

MEC submits this application for recovery of its reasonable attorneys' fees incurred in connection with seeking remand of this inappropriately and improvidently removed matter. This Court, in its Amended Order of Remand dated March 31, 2025 [Doc. 20] granted the Plaintiff's Motion to Remand and authorized filing of this application for fees.

Attached to this Application as Exhibit "A" is the affidavit of Richard E. Olson, one of counsel for MEC in this matter, attesting to the attorneys' fees incurred in connection with researching and briefing the Motion to Remand and the Reply in Support of that Motion. The hourly rates for each of the attorneys involved in preparing and drafting the Motion are reasonable. A large portion of the work was done by a summer law clerk at a significantly reduced rate.

As the Court noted, the Removal and Response in Opposition to the Motion to Remand were significantly lacking in any sufficient allegation regarding citizenship. There is not the sort of objective basis justifying the removal as would appear to be indicated under the relevant law.

WHEREFORE, MEC requests that this Court enter its Order awarding MEC \$ 3,503.92 in fees incurred seeking the remand of this matter as a consequence of its improvident removal, and for such other and further relief as the Court deems just and proper.

HINKLE SHANOR LLP

Richard E. Olson
Chelsea R. Green
P.O. Box 10
Roswell, NM 88202-0010
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cgreen@hinklelawfirm.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this April 3, 2025, I caused the foregoing along with this Certificate of Service, to be served and filed electronically through the CM/ECF File & Serve electronic filing system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

HINKLE SHANOR LLP

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MACK ENERGY CORPORATION,

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SUMMIT CASING SERVICES, LLC,

Defendant.

AFFIDAVIT OF RICHARD E. OLSON

STATE OF NEW MEXICO

COUNTY OF CHAVES

Richard E. Olson being first duly sworn upon my oath, affirm and hereby state as follows:

1. My name is Richard E. Olson, I am over the age of 18 years, am competent to testify as to the matters herein, and personal knowledge hereof.
2. I am one of counsel for Mack Energy Corporation in this matter.
3. I am a Partner in the firm of Hinkle Shanor LLP. I have practiced law in the State of New Mexico for 47 years. My practice for years has been limited to the prosecution and defense of civil litigation, in both state and federal court. In my opinion, the rates charged on this matter are commensurate with, or are in fact, lower than those charged by lawyers with similar experience and skill in New Mexico. The time expended on this matter was, in my opinion, reasonable and necessary to adequately develop the issues.

4. I was involved, along with one of my partners, Chelsea R. Green, and a summer associate, Kain R. Klisch, in researching, preparing and editing the Motion to Remand in this matter, reviewing the Response to the Motion to Remand and drafting and editing the Reply in Support of the Motion to Remand.

5. The hourly fee that I charged for my services in connection with the Motion to Remand is \$400 per hour. Mrs. Green charged \$300 per hour, and our summer associate charged \$75 per hour.

6. The total amount in fees incurred in researching, preparing, and editing the Motion to Remand, reviewing the Response to the Motion to Remand and preparing and editing the Reply in Support of the Motion to Remand was \$3,247.50. The accounting department for our firm has calculated gross receipts tax on that amount as \$256.42.

7. Attached as Exhibit "1" to this Affidavit is a time report, redacted to exclude extraneous matters, that reflects the time devoted to matters relating to the Motion to Remand.

FURTHER AFFIANT SAYETH NOT.

Richard E. Olson

STATE OF NEW MEXICO)
) ss.
COUNTY OF CHAVES)

The foregoing instrument was acknowledged before me this 3 day of April 2025, by
Richard E. Olson.

My Commission Expires:

3.23.28

(Notary Public)

The seal is circular with a double outer border. The outer border contains the text "SEAL OF THE STATE OF NEW MEXICO" at the top and "1917" at the bottom. The inner circle features a central shield with a plow, a sheaf of wheat, and a sun rising over mountains. Above the shield is a crest with a bison, and above that is a banner with the state motto "ANDEA LIBERTATEM".

STATE OF NEW MEXICO
NOTARY PUBLIC
NATALIE R. STEELE
COMMISSION# 1090883
EXP. 03-23-2028

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Time Report

Billed and Unbilled

Mack Energy Corporation / MEC v Summit Casing Equipment (10005798-2310195)

04/01/2025

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
05/21/2024	016	Richard E. Olson		10	PARTNER	2	0.30	120.00	400.00	0.00	0.00	0.00	10000		371422	Billed
			Telephone conference with Reid Edwards regarding removal of case to Federal Court.													
05/27/2024	016	Richard E. Olson		10	PARTNER	2	0.50	200.00	400.00	0.50	200.00	400.00	10000		371422	Billed
			Quick research regarding LLC Citizenship issues.													

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05/30/2024	725	Kain R. Klish		90	OTHER	2	6.50	487.50	75.00	6.50	487.50	75.00	10000		371422	Billed
			Write Motion to Remand.													
05/31/2024	016	Richard E. Olson		10	PARTNER	2	1.20	480.00	400.00	1.20	480.00	400.00	10000		371422	Billed
			Review draft Motion to remand; edit draft Motion to remand; research.													
05/31/2024	725	Kain R. Klish		90	OTHER	2	2.70	202.50	75.00	2.70	202.50	75.00	10000		371422	Billed
			Write Motion to Remand.													
06/02/2024	016	Richard E. Olson		10	PARTNER	2	1.00	400.00	400.00	1.00	400.00	400.00	10000		372104	Billed
			Continued review and edit of Motion to Remand.													
06/02/2024	535	Chelsea R. Green		10	PARTNER	2	0.40	120.00	300.00	0.40	120.00	300.00	10000		372104	Billed
			Review and revise Motion to Remand to State Court.													
06/03/2024	016	Richard E. Olson		10	PARTNER	2	0.50	200.00	400.00	0.50	200.00	400.00	10000		372104	Billed
			Review and edit Motion to Remand; telephone conference with Reid Edwards regarding Motion to Remand.													

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06/24/2024	016	Richard E. Olson		10	PARTNER	2	0.20	80.00	400.00	0.20	80.00	400.00	10000		372104	Billed
			Review Response in Opposition to Motion to Remand													

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Time Report

Billed and Unbilled

Mack Energy Corporation / MEC v Summit Casing Equipment (10005798-2310195)

04/01/2025

Date	SM/Task	Attorney	Name	Staff Level	Description	Rate	Orig Hrs	Orig Amt	Orig Rate	Rev Hrs	Rev Amt	Rev Rate	Service	Activity	Invoice	Status
06/24/2024	725	Kain R. Klish		90	OTHER	2	2.20	165.00	75.00	2.20	165.00	75.00	10000		372104	Billed
		Reply to Response to Motion to Dismiss and Remand.														
06/25/2024	535	Chelsea R. Green		10	PARTNER	2	0.40	120.00	300.00	0.40	120.00	300.00	10000		372104	Billed
		Review Defendant's Response to Plaintiff's Motion to Remand to state court.														
06/25/2024	725	Kain R. Klish		90	OTHER	2	2.20	165.00	75.00	2.20	165.00	75.00	10000		372104	Billed
		Reply to Response to Motion to Dismiss and Remand.														
06/26/2024	016	Richard E. Olson		10	PARTNER	2	0.50	200.00	400.00	0.50	200.00	400.00	10000		372104	Billed
		Review Reply in Support of Motion to Remand; edit Reply in Support of Motion to Remand.														

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06/26/2024	725	Kain R. Klish		90	OTHER	2	2.10	157.50	75.00	2.10	157.50	75.00	10000		372104	Billed
		Draft Reply to Response to Motion to Dismiss and Remand.														
07/02/2024	535	Chelsea R. Green		10	PARTNER	2	0.10	30.00	300.00	0.10	30.00	300.00	10000		372757	Billed
		Review and revise Reply in Support of Motion to Remand to state court.														
07/03/2024	535	Chelsea R. Green		10	PARTNER	2	0.40	120.00	300.00	0.40	120.00	300.00	10000		372757	Billed
		Review and revise Reply in Support of Motion to Remand to State Court.														

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Report Totals:

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